

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 513-w

Case No. 85-3C

(PUD & Map Amendment @ 1215 I Street, N.W. - Akridge)

June 9, 1997

By Z.C. Order No. 513, dated January 12, 1987, the Zoning Commission for the District of Columbia approved the application from 1215 I Street, N.W. Associates Limited Partnership for consolidated review and approval of a planned unit development (PUD) and related map amendment, subject to certain conditions, guidelines and standards.

The PUD approval involves for a mixed-use office/retail building for Lot 48 in Square 285 and a related change of zoning from HR/C-3-C to C-4.

One of the conditions of approval in Z.C. Order No. 513 specifies that, "The PUD approved by the Zoning Commission shall be valid for a period of two years from the effective date of this order. Within such time, applicant must file for a building permit as specified in Subsection 2407.1. Construction shall start within three years of the effective date of this order".

Z.C. Order No. 513 became final and effective on April 3, 1987. The original approval was modified by Z.C. Order No. 513-A, dated May 14, 1987, which became final and effective on August 28, 1987. Z.C. Order No. 513-A established modified deadlines for filing a building permit application and commencing construction.

By Z.C. Order No. 513-T, dated February 8, 1993, the Zoning Commission extended the PUD for an additional three years; that is until April 3, 1995. Z.C. Order No. 513-V further extended the validity of the PUD for two years, that is until April 3, 1997, to file for a building permit and until April 3, 1998 to begin construction.

By letter dated March 28, 1997, counsel for the applicant requested a ten year extension of Zoning Commission Order Nos. 513, 513-A, 513-T, and 513-V. The letter indicated that although the applicant filed and obtained a building permit within the required timeframe, and has provided 150 rehabilitated dwelling units in accordance with Condition No. 9 of the original PUD approval (Order No. 513) six years ahead of schedule, the applicant has been unable to proceed with construction for the following reasons:

1. The same adverse market conditions, which in part justified the prior extension, still exist today. However, the availability of large blocks of new Class A office space continues to dwindle, while demand for such space has increased.
2. The applicant has already spent over \$43 million in development related costs on the project. This includes over \$2 million on the housing linkage amenity alone.
3. The applicant has been unable to obtain project financing for the PUD, despite good faith efforts, because of changes in economic and market conditions beyond the applicant's reasonable control.
4. There is no substantial change in any of the material facts upon which the Zoning Commission based its original approval of the PUD that would undermine the Commission's justification for approving it. To the contrary, there has been a change in the Comprehensive Plan Land Use Map which further supports the Commission's prior justification.

The Office of Zoning (OZ), by a memorandum dated April 9, 1997, referred the extension request to the District of Columbia Office of Planning (OP) for an analysis of whether any amendments to the Zoning Map or Regulations, or to the Comprehensive Plan, have taken place since the Zoning Commission initially decided this case that will affect this extension request.

By memorandum dated April 28, 1997, the OP stated the following:

The Downtown Development District Overlay (DD) was approved after the Zoning Commission originally approved this project. During its deliberations, the Commission noted that development of Square 285 would be guided by existing approved PUDs and related map amendments. The Zoning Commission specifically excluded this square from the DD.

In conclusion, the Comprehensive Plan (Map) has been amended to support the PUD's commercial concentration in Square 285. The zoning remains unchanged since the PUD was approved in 1987. Accordingly, the Office of Planning recommended that the Zoning Commission extend the validity of the orders and indicated that the Commission would have to determine the time period that

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would be commensurable to the "good cause" demonstrated by the applicant.

Advisory Neighborhood Commission (ANC) 2F, by letter dated May 9, 1997, indicated its unanimous support for a ten-year extension of the validity of the PUD. The Franklin Square Association and MANNA also submitted letters into the record in support of the extension.

The Commission further believes that an extension of time is not unreasonable, that the rationale for granting approval for the PUD has not changed, and that no adverse consequences will result from approving the request.

The Commission determined that an extension of time is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and the Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital.


In consideration of the reasons set forth in this order, the Zoning Commission for the District of Columbia hereby **ORDERS** that the validity of Z.C. Order Nos. 513, 513-A, 513-T and 513-V is **EXTENDED** for a period of ten years; that is until April 3, 2007 to file for a building permit and until April 3, 2008 to begin construction.


Vote of the Zoning Commission taken at its monthly meeting on May 12, 1997: 4-0 (Maybelle Taylor Bennett, Jerrily R. Kress, Herbert M. Franklin and John G. Parsons to approve a ten-year extension.

This order was adopted by the Zoning Commission at its monthly meeting on June 9, 1997 by a vote of 4-0: (Jerrily R. Kress, John G. Parsons, Herbert M. Franklin and Maybelle Taylor Bennett, to adopt).

In accordance with provisions 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; that is, on

JUL 25 1997


MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission


MADELIENE H. DOBBINS
Director
Office of Zoning

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